

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARLOW TODD EGGUM,

Petitioner,

v.

DONALD HOLBROOK,

Respondent.

Case No. 2:14-cv-01328-RAJ

**ORDER**

This matter comes before the Court on Respondent Donald Holbrook's Motion to Stay the Writ of Habeas Corpus Pending Appeal. Dkt. # 176. On June 18, 2020, this Court entered an Order granting Petitioner Marlow Todd Eggum's Second Amended Habeas Petition. Dkt. # 175. In that Order, the Court vacated two of Mr. Eggum's convictions and ordered his release unless he were resentenced on the remaining convictions within 15 days of the Order, resulting in a release date of July 3, 2020. *Id.* On June 30, 2020, Respondent filed a motion to stay the writ pending appeal, which he noted for consideration on the motion calendar on July 10, 2020. Dkt. # 176. On the same day, Respondent filed a Notice of Appeal for the Ninth Circuit. Dkt. # 177. Last Friday, July 3, 2020, Mr. Eggum was, in fact, released pursuant to this Court's Order.

1 According to the Local Rules of practice for civil proceedings before the United  
2 States District Court for the Western District of Washington, a motion will not be ripe for  
3 consideration by the Court until its noting date. LCR 7(d). Respondent's motion to stay  
4 Mr. Eggum's release from incarceration, noted for July 10, 2020, was not ripe for  
5 consideration until after Mr. Eggum had been released from custody on July 3, 2020.  
6 The filing of a motion to stay pending appeal does not absolve parties of their obligation  
7 to comply with the Court's Order. As filed, Respondent's request for relief could not be  
8 considered before July 10, 2020. Given that Mr. Eggum has already been released, the  
9 motion to stay habeas relief is now denied as moot.

10 For the reasons stated above, the Court **DENIES** Respondent Donald Holbrook's  
11 Motion to Stay the Writ Pending Appeal. Dkt. # 176.

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13 DATED this 10th day of July, 2020.

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16 The Honorable Richard A. Jones  
17 United States District Judge  
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